IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

OP.No. 30220 of 2000(V)

PETITIONER:

M.K. RAMACHANDRAN, MUDEVANGATTIL HOUSE, P.O. CHAZHOOR, THRISSUR DIST.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

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1. THE REGIONAL TRANSPORT OFFICER, THRISSUR.

2. THE DISTRICT COLLECTOR, THRISSUR.

3. THE TAHSILDAR, RR, THRISSUR.

4. THE DEPUTY TRANSPORT COMMISSIONER, APPELLATE AUTHORITY, VEHICLES TAX, CENTRAL ZONE -I, THRISSUR.

5. THE KERALA FINANCIAL CORPORATION, THIRUVANANTHAPURAM.

R5 BY ADV. SRI.V.B.UNNIRAJ
R1 TO R4 BY GOVERNMENT PLEADER SMT. SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 51205 OF 2000 IN O0P 30220 OF 2000

DISMISSED

27.11.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE INTIMATION SENT BY THE RTO, ERNAKULAM TO RTO, THRISSUR DATED 26.12,.92

EXT.P2 TRUE COPY OF THE DEMAND DRAFT DATED 24.1.94

EXT.P3 TRUE COPY OF THE RECEIPT FROM THE VILLAGE OFFICE DATED 14.3.95

EXT.P4 TRUE COPY OF THE RECEIPT ISSUED FROM THE TAHSILDAR'S OFFICE DATED 31.3.95

EXT.P5 TRUE OF THE INTIMATION OF NON USE OF THE VEHICLE (G FORM) DATED 6.1.95

EXT.P6 TRUE COPY OF THE INTIMATION (G FORM) DATED 5.4.95

EXT.P7 TRUE CDOPY OF THE INTIMATION SENT BY THE RTO, THRISSUR TO THE PETITIONER DATED 19.11.99

EXT.P7(a) TRUE COPY OF THE INTIMATION SENT BY THE RTO, THRISSUR TO THE TAHSILDAR DATED 19.11.99

EXT.P8 TRUE COPY OF THE STATEMENT FILED BY THE PETITIONER DATED 27.12.99

EXT.P9 TRUE COPY OF THE ORDER DATED 3.3.2000 SENT BY THE ;DEPUTY TRANSPORT COMMISSIONER.

EXT.P10 TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED 19.7.2000

EXT.P11 TRUE COPY OF THE REQUEST SENT BY THE PETITIONER DATED 20.9.2000

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 30220 OF 2000

Dated this the 27th day of November, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of arrears of motor vehicle tax for a vehicle owned by the petitioner, but financed by the KFC. Counsel for the KFC submitted that KFC has cleared the arrears of motor vehicle tax for the period for which vehicle was in it's possession. Under Section 3 of the Motor Vehicle Taxation Act tax has to be recovered from the registered owner or from the person in possession and control of vehicle. If the KFC has paid tax for the period for which it was in their possession, then the balance has to be recovered from the registered owner. O.P. is closed leaving freedom to the recovery authorities to recover the balance amount from the registered owner, except for the period for which Form G was accepted by the RTO granting exemption.

(C.N. RAMACHANDRAN NAIR)
Judge

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